

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CLARA FINCH CRUZ, M.D.
Plaintiff

v.

Civil No. 2:18-cv-02483

**ROBERT WILKIE, ACTING SECRETARY
UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
Defendant.**

DEFENDANT'S PROPOSED EXHIBIT AND WITNESS LIST

In addition to the pleadings and discovery responses in this matter, the Defendant proposed the following witnesses and exhibits to be offered at the trial of this matter:

WITNESSES

To be called:

1. Clara Finch Cruz, Plaintiff
2. Thomas Ferguson, M.D., Chief of Staff
3. Eugene Pearlman, M.D.
4. David Dunning, Director VAMC Memphis
5. Catherine Austin
6. Scottie Hartronft, M.D.
7. Rana Samuel, M.D.

May be called:

8. Cheryl Brewer
9. Sharon O'Means

10. Lora Kirk
11. Natalie (Brown) Eskridge
12. Brenda Hamilton
13. D.C. Sharp, Ph.D.
14. Christopher Marino, M.D.
15. Andrew Han, M.D.
16. Melissa Yopp
17. Karen Gillette
18. Decha Umphia
19. Rosann S. Townsend
20. Shelly Swindler, M.D.
21. James Lewis
22. Nathan Zajac
23. David Wood
24. Cynthia D. Scott
25. Danielle Hassel
26. Zaida Rivera-Correa
27. Alva Weir, M.D.
28. Jane Eason, M.D.
29. Brad Bledsoe, M.D.
30. Javad Tunio, M.D.
31. Shauna S. Kincheloe-Zaren
32. Robert Wise

- 33. Vincent Glover
- 34. Pamela Black
- 35. Bradford Waters, M.D.
- 36. Claudio Tombazzi, M.D.
- 37. Santiago Vera, M.D.
- 38. Jan Slate
- 39. Any witnesses listed by Plaintiff.

EXHIBITS

- 1. Clara Finch Cruz's EOPF (Bates: Cruz 000001-000409).
- 2. Final Agency Decision - No. 200I-0614-2017101635 (Bates: Cruz 002655-002675).
- 3. Administrative Investigative Board Admin File (Bates: Cruz 002681-003689).
- 4. Brown-Ferguson Emails (Bates: Cruz 003690-003692).
- 5. Standard File (SF-50) – Notifications of Personnel Actions dated 01/10/16, 01/08/17, 11/12/17, 01/07/18, and 03/16/18. (Bates: Cruz 002676-002680).
- 6. Report of Investigation ("ROI") 103373 – Complaint of Employment Discrimination (Bates: Cruz 000459-000465).
- 7. ROI 103373 – Interrogatory & Supporting Documents for Complainant (Bates: Cruz 000973-001017).
- 8. ROI 103373 – Complainant's Rebuttal (Bates: Cruz 001018-001026).
- 9. ROI 103373 – Organizational Chart (Bates: Cruz 001094-001095).
- 10. ROI 103373 – Workforce Profile (Bates: Cruz 001095-001098).
- 11. ROI 103373 – Complainant SF-50 Early Voluntary Retirement under 302+10 March 18, 2018 (Bates: Cruz 001099-001100).

12. ROI 103373 – Complainant SF 50 within Grade Increase, November 15, 2015 (Bates: Cruz 001103-001104).
13. ECF Performance Appraisal 100115-093016 dates December 8, 2016 (Bates: Cruz 001105-001111).
14. ROI 103373 – Performance Review, May 4, 2017 (Bates: Cruz 001112-001114).
15. ROI 103373 – Call for Administrative Investigation by Dir. Dunning August 4, 2018 (Bates: Cruz 001115-001117).
16. – Agency Notice of Amendment to EEOC Complaint 200J-0614-101635 May 11, 2017, dated October 12, 2017 (Bates: Cruz 001118-001124).
17. ROI 103373 – Complainant SF-50 within Grade Increase, November 12, 2017 (Bates: Cruz 001125-001126).
18. ROI 103373 – Performance Pay Recommendation Approval 10/01/16 – 09/30/17 dated January 5, 2018 (Bates: Cruz 001440).
19. ROI 103373 – ECF Performance appraisal 10/1/16-9/30/17, signed January 26, 2018 (Bates: Cruz 001441-0001451).
20. ROI 103373 – Performance Pay Recommendation/Not Approval 2/28/17 – 03/01/18 dates February 9, 2018 (Bates: Cruz 001452-001455).
21. ROI 103373 – Proposed Removal February 23, 2018 (Bates: Cruz 001456-001462).
22. ROI 103373 – Complainant’s Response to Proposed Removal dated February 27, 2018 (Bates: Cruz 001463-001468).
23. ROI 103373 – Agency Letter of Discharge, March 8, 2018 (Bates: Cruz 001469-001476).

24. ROI 103373 – Emails 3/12/18-3/14/18, Computer issue; Complainant and Ms. Kirk
(Bates: Cruz 001477-001484).
25. ROI 103373 – Email Mr. Alexander to Complainant, signing Performance Pay
document dates March 16, 2018 (Bates: Cruz 001458-001486).
26. ROI 103373 – Complainant’s Response to Agency Letter of Discharge, dated March
23, 2018 (Bates: Cruz 001487-001519).
27. ROI 103373 – Final Agency Decision (FAD) Case No. 200I-0614-2017101635
(Bates: Cruz 001520-001541).
28. ROI 103373 – Emails Complainant to ORM, Counselor Report, 05/14/18-05/22/18
(Bates: Cruz 001542-001547).
29. ROI 103373 – Email from Pamela Black to ORM, Complainant did not file for
accommodation, dated May 23, 2018 (Bates: Cruz 001548-001549).
30. ROI 103373 – Complainant’s Interrogatory Response dated June 13, 2018 (Bates:
Cruz 001550 – 001743).
31. ROI 103373 – VA Handbook 0700 Administrative Investigations (Bates: Cruz
001745 – 001817).
32. ROI 103373 – VA Directive 5021/9, Appendix A (Bates: Cruz 001818-001831).
33. ROI 103373 – VA Memorandum – EEO Policy Statement (Bates: Cruz 001832-
001834).
34. ROI 101635 – Formal Complaint (Bates: Cruz 001910-001914)..
35. ROI 101635 – 2 Years’ Performance Appraisals (Bates: Cruz 002609-002616)
36. ROI 101635 - Complainant’s Position Description (Bates: Cruz 002617).
37. ROI 101635 – Organization Chart (Bates: Cruz 002618-002619).

- 38. ROI 101635 - Emails to Witnesses (Bates: Cruz 002620).
- 39. ROI 101635 – EEO Policy – Harassment (Bates: Cruz 002623 – 002635).
- 40. ROI 101635 – Emails to Witnesses / RMO Affidavits with No Response (Bates: Cruz 002636-002654).
- 41. Any exhibits listed by Plaintiff.

Respectfully submitted,

D. Michael Dunavant
United States Attorney

By: s/Monica M. Simmons-Jones
Monica M. Simmons-Jones (TN #018892)
Assistant United States Attorney
167 North Main Street, Suite 800
Memphis, TN 38103
901-544-4231
monica.simmons@usdoj.gov

CERTIFICATE OF SERVICE

I, Monica M. Simmons-Jones, certify that the foregoing pleading was sent via the Court's electronic filing system or by first-class U.S. mail to:

Kristi L. Bennett
Tressa V. Johnson
Attorneys for Plaintiff
Johnson & Bennett, PLLC
1331 Union Ave., Ste. 1226
Memphis, TN 38104

This the 24th day of January, 2020.

s/ Monica M. Simmons-Jones
Assistant United States Attorney